

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of RASSIOCILLIO DEVONNE  
BROWN, ORLANDO DARIUS BROWN, and  
ERROL D’JUAN BROWN, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PRISCILLA MATTHEWS,

Respondent-Appellant,

and

HENRY ORLANDO BROWN,

Respondent.

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UNPUBLISHED

October 14, 2004

No. 253106

Wayne Circuit Court

Family Division

LC No. 00-394702

Before: Griffin, P.J., and Saad and O’Connell, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in determining that the statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent-appellant was addicted to heroin and neglected to provide the children’s basic necessities, such as proper housing, food, and education. During the nearly three-year course of this proceeding, respondent-appellant entered three drug treatment programs, complied with some counseling requirements, and attended visits with the children regularly, but did not demonstrate that she could remain drug-free. Respondent-appellant submitted very few drug screens; some were positive for methadone while her participation in a methadone program was suspect, and some were positive for opiates. She did not demonstrate that she could become drug-free. She did not obtain suitable housing or

employment and, although the agency's assistance in those areas was scant, efforts to maintain housing and employment were premature if respondent did not overcome her drug addiction.

Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although the children were ages fourteen, eleven, and nine at the time of termination and were strongly bonded to respondent-appellant, they were also old enough to realize that respondent-appellant was addicted to drugs and to remember the neglect they suffered. The children were ambivalent in their feelings about returning to respondent-appellant, and they were still not able to return to her after nearly three years of foster care because she had not become drug free or obtained suitable housing. All of the children needed counseling, and respondent-appellant was unable to maintain her own treatment, which indicated that she would not be able to maintain their counseling. The trial court did not err in determining that termination of respondent-appellant's parental rights was in the children's best interests.

Affirmed.

/s/ Richard Allen Griffin  
/s/ Henry William Saad  
/s/ Peter D. O'Connell